IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.574 OF 2007
IN
SUIT NO.1228 OF 1985

Rasilaben Kantilal Kansara .. Plaintiff

vs

Sumitra Amrutlal Kocha & ors.. Defendants

Mr.M.S.Doctor i/b Munim & Co for Plaintiff
Mr.S.H.Doctor with Mr.N.R.Engineer
i.b Vijay Kumar for Defendant No.2
Mr.Janhi Durat i/b M/s K.Ashar & Co for
Defendant No. 1(a) - 1(e).

CORAM : A.M.KHANWILKAR, J

DATE : 17th April, 2007

P.C.

1. Heard learned counsel for the parties.

2. I am in agreement with the submissions made on behalf of the plaintiff that it is not open for this Court to modify and/or extend the time given by the appellate Court to the applicants for exercising the option in terms of the order dated 5th September, 2006 passed in Appeal No.56 of 2006 That option will have to be exercised only by the appellate court. Grievance of the applicants cannot be looked into as the order of the appellate court is self operative. It will be open to the applicants to approach the appellate court if so advised. Learned counsel for the applicant submits that at least limited protection be given to the

applicants till the applicants approach the appellate court for appropriate orders. It is not possible to entertain this request. Accepting this request would be contrary to what has been observed in earlier part of the order and the Single Judge cannot sit over the time frame provided by the appellate court in the proceedings between the parties.

(A.M.Khanwilkar, J)